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MINERALS PROGRAM
FILE COPY

January 25, 1991

TO: Mine File

FROM: Holland Shepherd, Reclamation Specialist *HS*

RE: Board Hearing, Aragonite Mine and Mill, M/045/031, Tooele County, Utah

The Board Hearing addressing the unpermitted Aragonite mine and mill was performed on January 24, 1991. An Order to Show Cause had been issued to the operator on January 9, 1991. The Order informed the operator of the eminent cessation of operations unless a formal defense was made before the Board of Oil, Gas and Mining.

The entire transcript of the Hearing can be found under Docket No. 90-051, Cause No. M/045/031, in the Board files. Also, photos and documents from the Aragonite file, used as exhibits during the Hearing were placed in the Board files.

The Board agreed with the Division's proposal to allow the operator to continue mining, providing that the operator submit, within the next month, a temporary permit and surety. The permit and surety would cover the 3 to 4 month period during which time it is not possible to perform an accurate disturbance evaluation of the site, because of winter snows and lack of vegetation.

The Board stated that the matter would be continued to the February 28, 1991 hearing date. At that time, if the operator has not shown a good faith effort (temporary permit and surety in place) the Division will ask for a Cessation Order.

When the weather provides (April or May), a more thorough investigation of the site disturbance will be done. During discussions with the operator, concerning the amount of acreage to be counted, the date of April 1987 was provided, as the point in time when disturbances from mining would be counted. The question of, at what point in time the Division starts counting acreage, has been a point of debate since discussions started between the Division and operator on January 16, 1991. The

Page 2
Board Hearing Memo
Aragonite Mine
M/045/031
January 25, 1991

problem arises because the operator filed a DOE, for the property March 23, 1979. The DOE became invalid after the change in the law in April of 1987. The DOE also became invalid at any point in time when the operator exceeded two acres of disturbance or mined greater than 500 tons of material, in one year. The Division is certain that the operator exceeded both of the above limits before the change in the law; the question is when. Mr. Thomas, himself, stated during our discussions, that he was well over the 5-acre SMO limit, if disturbances, made earlier than 1987, were to be counted.

An inspection date for the week of February 4-8, 1991, has been set to evaluate the site, for temporary permitting. Representatives of the BLM, Division of Oil, Gas and Mining, and American Stone will be in attendance.

jb
cc: Lowell Braxton
Wayne Hedberg
Anthony Gallegos
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